THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.20172 of 2007

DATED: 22.10.2007

Between:

Annapureddy Narayana Reddy ….Petitioner

AND

1. The Joint Collector, (Civil Supplies)
   Prakasam District, Ongle and others ….Respondents

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WRIT PETITION No.20172 of 2007

ORDER:

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On 24.09.2007, this court ordered notice before admission and granted interim suspension for a period of four weeks.

2. The writ petition is filed for a writ of Mandamus or an appropriate writ or order declaring the proceedings in Rc.H/734/2007 dt 30.07.2007 issued by the 2nd respondent by suspending the petitioner as illegal, arbitrary and unconstitutional and against to the principles of natural justice and contrary to the provisions of Essential Commodities Act, 1955 and pass such other suitable orders.

3. It is stated by the petitioner that he was appointed as a permanent Fair Price Shop dealer for Rachakonda village in the year 1990. Since the date of his appointment, he has been distributing the commodities to the cardholders as per the directions given by the Government from time to time. It is further stated that the petitioner has been running the shop for the last 17 years on permanent basis without any complaint either from the officials or from the cardholders and he is having valid authorization till March, 2008.

4. It is also stated that while the petitioner was functioning as such, he became sick and was advised by the Doctor to take treatment in the Hospital. After completion of the distribution of the commodities for the

month of June, he applied for leave to the 3rd respondent along with the doctor certificate by letter dated 26.06.2007 for grant of two months leave. It is also stated that while the matter stood thus, surprisingly, the petitioner received a show cause notice dated 10.07.2007, which shows that the 2nd respondent received the oral complaints from about twenty persons through the Markapuram MLA alleging that he is not distributing the commodities properly and causing inconvenience to the cardholders. Basing on the said complaint, the 2nd respondent sent the same to the 3rd respondent for enquiry, and the 3rd respondent sent the report about granting of the leave to the petitioner for the period of two months on medical grounds, and requested for appointment of other person in the place of the petitioner, and the allegations levelled against the petitioner are that (1) the petitioner applied the leave without there being any provision in control order for applying the leave (2), the petitioner not distributing the commodities properly and causing inconvenience to the cardholders (3) the petitioner giving the commodities only one day (4) the petitioner selling the commodities at higher rates by asking the petitioner to submit his explanation within 7 days after receipt of the notice. This show cause notice has been received by the petitioner on 18.09.2007. Thereafter, the petitioner submitted his explanation on 21.09.2007 denying the allegations to the 2nd respondent and under what circumstances, the petitioner had applied the leave.

5. It is further submitted that the 2nd respondent without considering his explanation, though the petitioner submitted, suspended his authorization as alleging that the petitioner not submitted any explanation with the false and baseless allegations that (1) the dealer is not distributing the commodities properly, and causing the inconvenience and threatening whoever questioned the same thereby

the dealer is violated the conditions in the authorization and orders in the Control Orders 2001, (2) The petitioner involved into the Criminal Case in Cr.No.93 of 2007 of Giddaluru Court. It is further submitted that the allegations mentioned in the suspension order are false and different to the show cause notice. The suspension order itself is illegal, arbitrary in nature and against the principles of natural justice and unconstitutional.

6. It is further submitted that the second respondent made the allegation against the petitioner that he is involved in Criminal Case in Crime No.93 of 2007, dated 27.06.2007, Giddalur Police Station is not correct. It is further submitted that the 2nd respondent is liable to be prosecuted without verifying the records properly making this type of false allegations, which is vindictive in nature. In fact, the petitioner verified the said F.I.R., which shows that the case is registered against one Pettam Sheshadri Reddy S/o. Rami Reddy, Narava Village, Giddalur Mandal under Sections 452 and 354 IPC., who is also the dealer of Narava village. The complainant in the said case Mudiam Radha, Narava village. The 2nd respondent intentionally make this false allegations against the petitioner with a view to cancel his authorization at the behest of the M.L.A., It is also further stated that the second respondent should not have relied upon the oral complaint given by the local M.L.A. The local M.L.A. is trying to get the appointment to his followers in the place of the petitioner and certain further averments also had been made in this regard.

7. It is no doubt true that the authorities are expected to verify the facts and circumstances before making orders. However, in the light of the facts and circumstances, this Court is of the considered opinion that the writ petition be disposed of directing the second respondent to complete the enquiry within a period of six weeks from today and till

then, the interim suspension granted by this Court be operative.

8. The Writ Petition is disposed of accordingly. No order as to costs.

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P.S.NARAYANA, J.

DATED:22nd October, 2007
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